



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

3 No. Lowell Road, Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

www.WindhamNH.gov

Approved Minutes Zoning Board of Adjustment

October 25, 2016

7:30pm @ Community Development Department

Mark Samsel, Chairman - present

Mike Mazalewski, Alternate - present

Heath Partington, Vice Chair - present

Kevin Hughes, Alternate - present

Pam Skinner, Secretary - present

Jim Tierney, Alternate - excused

Mike Scholz, Member - present

Jay Yennaco, Alternate - excused

Bruce Breton, Member - excused

Staff:

Dick Gregory, ZBA Code Enforcement Administrator

Andrea Cairns, Minute Taker

Meeting called to order at 7:30p.m. by Chairman Samsel.

Mr. Hughes was seated for Mr. Breton.

Chairman Samsel reviewed the process for the public.

Lot 16-Q-172, Case #33-2016

Applicant/Owner-Paul J. Adams/Peter Costa

Location-30 First Street

Zoning District-Residence A & Cobbett's Pond and Canobie Lake Watershed Protection Variance relief is requested from **Sections 702, App. A-1 & 703.1** to allow an 8 ft. x 12 ft. shed to have a 5 ft. side setback where 30 ft. is required.

Ms. Skinner read the case into the record. The abutters list was read at the previous meeting.

Mr. McAdams noted they do not have a basement and their home is only 980 sq. ft. so they need additional storage. They would like to install an 8'x12' storage shed. He submitted a new drawing for the shed (Exhibit A).

Mr. McAdams read the five criteria into the record.

There was no input from the public.

MOTION: Mr. Scholz made a motion to go into deliberative.

Ms. Skinner seconded the motion.

No discussion

Vote 5-0

Motion carries

Chairman Samsel believed they met all five points and had no issues with the application.

Mr. Partington reviewed the five criteria. In his opinion:

1. (contrary to public interest): met the criteria
2. (spirit of the ordinance): met the criteria
3. (substantial justice): met the criteria
4. (value of surrounding properties): met the criteria
5. (hardship): met the criteria

Ms. Skinner noted that the Conservation Commission had no issues with the application.

MOTION: Mr. Scholz made a motion to grant variance relief from Sections 702, App. A-1 & 703.1 to allow an 8 ft. x 12 ft. shed to have a 5 ft. side setback where 10 ft. is required.

Mr. Hughes seconded the motion.

No discussion

Vote 5-0

Motion carries.

Chairman Samsel noted there is a 30-day appeal period.

Lot 11-A-520 & 11-A-530, Case #23-2016

Request for Rehearing of decision made on 7-26-2016

Mr. Hughes was present for the original hearing so he remained seated.

Chairman Samsel addressed the letter submitted by Cronin, Bisson & Zalinsky P.C.

- A) The board agreed there was a technical error made in the notice of decision.
- B) No technical error and no new information
- C) No technical error and no new information.

MOTION: Mr. Scholz made a motion to grant the request for a rehearing of the decision made on 7-26-2016 because the board found it made a technical error in it's notice of decision.

Mr. Hughes seconded the motion

No discussion

Vote 4-1

Motion carries

Chairman Samsel noted he denied the request because he did not believe the reason was necessary in the motion, but agrees in principle that the rehearing was warranted.

Review of 9/27/16 Minutes

MOTION: Mr. Partington approved the minutes of 9/27/16 as amended.

Ms. Skinner seconded the motion

No discussion

Vote 5-0

Motion carries

Other Business

Mr. Jim Tierney regretfully turned in his letter of resignation and can no longer be an alternate member of the board. He thanked the board noting it has been a pleasure to work with them.

The board thanked Mr. Tierney for his dedication and breadth of knowledge.

MOTION: Mr. Scholz made a motion to accept the resignation of Jim Tierney from the Zoning Board of Adjustment.

Mr. Partington seconded the motion.

No discussion

Vote 5-0

Motion carries

Mr. Scholz made a request to review the 8/9/16 minutes at the next meeting.

Mr. Scholz also made a request that the notice of decisions be emailed to the board for review so they could avoid errors in the future. The board discussed drafting the notices of decision at meetings and have the chairman sign it so there would be less chance of errors. Mr. Tierney noted other towns have a standard form they fill out during meetings. The forms state: case number, section of the ordinance, whether the variance was granted or denied and any conditions; they are handwritten during the meeting.

Chairman Samsel expressed concern over adding additional work to the board during a meeting.

The board agreed it would be best for Mr. Gregory to put the notices of decisions in their packets for review. Mr. Scholz would research what other towns do. He asked for that topic to be placed on the agenda for the next meeting.

The board discussed what would happen if they made a change to the notice of decision. Mr. Gregory would check with Attorney Campbell, but believed it would start the 30-day appeal window over with the date of the new notice of decision.

MOTION: Mr. Partington made a motion to adjourn at 8:54 p.m.

Ms. Scholz seconded the motion.

Vote 5-0.

Motion passes.

Submitted by Andrea Cairns